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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ERIC ROJAS,
Plaintiff,
v.
SEAN T. DIEP, et al.,
Defendants.

Case No. 20-cv-00490-VKD

**ORDER TO SHOW CAUSE RE
SETTLEMENT**

The Court having been informed that the parties have settled this dispute, all previously scheduled deadlines and appearances are VACATED.

On or before **November 24, 2020**, the parties shall file a stipulated dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(ii). Rule 41(a)(1) permits a plaintiff to voluntarily dismiss a case without a court order (i) by notice if the defendants have not filed an answer or motion for summary judgment, or (ii) by stipulation signed by all parties who have appeared. Because defendants have filed an answer to the complaint, plaintiff must file a stipulated dismissal pursuant to Rule 41(a)(1)(ii).

If a dismissal is not filed by the specified date, then the parties shall appear in Courtroom 2, 5th Floor, 280 South First Street, San Jose, California 95113 on **December 8, 2020 at 10:00 a.m.** and show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(a). Additionally, the parties shall file a statement in response to this Order to Show Cause no later than **December 1, 2020** advising as to (1) the status of the activities of the parties in finalizing settlement; and (2) how much additional time, if any, is requested to finalize the settlement and file the dismissal. If a dismissal is filed as ordered, the Order to Show Cause

1 hearing will be automatically vacated and the parties need not file a statement in response to this
2 Order.

3 **IT IS SO ORDERED.**

4 Dated: September 25, 2020

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7 VIRGINIA K. DEMARCHI
8 United States Magistrate Judge